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with knowledge that the former policy had been issued to him personally. *Held*, that the son could not recover on the former policy, though he did not know that at the time it was in existence, since the mistake was one as to his legal rights. The thing to be known was whether the policy had been legally issued and not its continued physical existence. *Held*, further, that if company's agent had told the son that the former policy had never been issued, but gave him full access to the books, he was chargeable with notice of the issue of the former policy, since an ordinarily prudent man could have apprised himself of the fact.

Interstate Commerce—Regulations.—People v. Warden of City Prison, 50 N. Y. Supp. 56. The laws of New York prohibit the sale of tickets by persons not the authorized agents of the carriers, and empower the purchase by the agents of given lines of tickets over other lines for through transportation. *Held*, that these laws are valid and are not an attempted regulation of interstate commerce. They do not in any way affect the fact of transportation or interfere with a passenger seeking to make a contract of transportation, but are merely an exercise of the police power for the protection of travellers.

Divorce.—Olson v. Olson, 74 N. W. (Wis.) 543.—A judgment of divorce on the ground of desertion, which was for the interest of both parties, will not be disturbed where there is evidence to the effect that the defendant was compelled to leave the plaintiff by reason of his cruel and inhuman treatment, but the answer fails to allege such fact or any fact as counter-claim.

Legal Tender—Mutilated Bank Note.—North Hudson County Ry. Co. v. Anderson, 39 Atl. Rep. (N. J.) 905.—Plaintiff brought suit for damages for being ejected from defendant's car, claiming that he tendered the conductor a dollar bill, from which a piece one inch and a quarter by one inch and a half had been torn on the upper left-hand corner. *Held*, not a valid tender, as there was absent a part of the bill by which the conductor might be aided in determining its genuineness. The rules of the Treasury Department with regard to the redemption of mutilated notes relate simply to redemption, and do not make such notes legal tender. The case is distinguished from that of *R. R. Co. v. Morgan*, 52 N. J. Law 60, 18 Atl. 904, when a genuine silver coin, worn smooth by use, was held to be a legal tender.

Wills—Construction—Lapse of Legacies—Religious Bequests—Validity.—Kerrigan v. Taft et al., 39 Atl. Rep. (N. J.) 701. *Held*, that a legacy to a priest, to be expended for masses for the repose of testatrix's soul, is a charitable, and not a superstitious use, and valid under the Federal and State constitution relating to freedom of conscience and religious belief. Const. U. S. Amend. I.; Const. N. J., Art. I, §§ 3, 4. Such a legacy creates a trust, which does not lapse on the death of the trustee before the testatrix, but will be carried out by the appointment by the court of another trustee. Compare to the same effect, *Hoeffler et al. v. Cloghan et al.* (Ill.), decided February 14, 1898; and *In re Zimmerman's Will*, 50 N. Y. Supp. 395. For a case upholding such a bequest on the ground that it was an absolute gift, and not a trust which was void for uncertainty of beneficiaries, see *Harrison v. Brophy et al.* (Kan.), cited on p. 279, Vol. VII., YALE LAW JOURNAL.

National Banks—Assessments—Enforcement.—Hulitt v. Bell, 85 Fed. Rep. 98. An assessment on notice from the comptroller of the currency in accordance with Rev. St., § 5205, is optional with the corporation, and is for

its own benefit. Its object is to restore the capital stock after it has become impaired, so that the bank may lawfully continue its business. Being of such character it can be laid only by the shareholders, and a levy by the directors is invalid. A special remedy by sale of a holder's stock having been provided by statute as a means of enforcing this assessment, it cannot be enforced by an action at law or in equity.

Carriage of Live Stock—Failure to Unload—Liability of Receiver.—*United States v. Harris*, 85 Fed. Rep. 533.—Revised Statutes §§ 4386-4389 relating to the shipment of live stock impose a penalty upon "Any company, owner, or custodian of such animals" for keeping them in cars more than twenty-eight consecutive hours without unloading. *Held*, that a receiver of a railroad company, appointed by and acting under the order of a Federal court, is not liable under this provision.

MAGAZINE NOTICES.

The following are some of the leading articles appearing in late legal publications:

Albany Law Journal:

- April 9.* Martin Grover, L. B. Procter.
16. Liability of Eleemosynary Institutions for negligence, Gilbert Ray Hawes.
23. What Constitutes Baggage within the meaning of the Law, Percy L. Phelps.
30. The Right of the United States to Intervene in Cuba, W. W. MacFarland.

Central Law Journal:

- April 22.* Homicides by Peace Officers, Lewis Hochheimer.
29. Recent Phases of Contract Law: Performance to the Satisfaction of the Promisor, John D. Lawson.
May 6. The Joint and Several Liability of Tort-feasors, and their Release, Jno. D. Shackleford.

The Green Bag—May:

- Judges and Their Environment, Henry C. Merwin.

The American Law Register—April:

- When a Ship Sails, E. H. Dickson.
 Gift Enterprises, T. J. Meagher.

Harvard Law Review—May:

- Jurisdiction over Foreign Corporations, E. Q. Keasbey.
 The Element of Chance in Land Title, H. W. Chaplin.
 Contributory Infringement of Patent Rights, O. B. Roberts.
 Joinder of Claims under Alternate Ambiguities, G. R. Alston.